

**Amendment No. 2 to HB3389**

**Jones U  
Signature of Sponsor**

**AMEND Senate Bill No. 3193**

**House Bill No. 3389\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 4, Part 1, is amended by adding the following as a new, appropriately designated sections:

57-4-1\_\_\_\_. Any art gallery that does not sell food or beverages and that receives ninety percent (90%) of its revenue from the sale of artwork may serve wine to patrons of such art gallery without a charge. Such art gallery shall not serve wine to a patron who is intoxicated or believed to be intoxicated.

57-4-1\_\_\_\_.

(a) Notwithstanding any other statutory provision to the contrary, an entity holding a license issued pursuant to § 57-3-204 may offer without charge or cost samples of alcoholic beverages and spirits to consumers on its licensed premises subject to the following conditions:

(1) A licensee seeking to offer such samples shall notify the commission, in writing, at least ten (10) business days prior to the tasting event of such information related to the event the commission may require.

(2) The commission shall acknowledge receipt of the notification of a sampling event within five (5) days of receipt of the notification.

(3) The samples provided to consumers shall not exceed one-half ounce (½ oz.) in amount per product sampled and no more than four (4) different products may be offered during one (1) calendar day.

(4) Only employees holding permits issued pursuant to §§ 57-3-204(c) and 57-3-203(d), or the designated owner or manager of the licensee where such individual so satisfied the requirements of § 57-3-704(5), may participate directly in the opening, pouring, or offering of samples to consumers.

(5) Nothing in this title shall restrict any employee holding a permit issued pursuant to §§ 57-3-204(c) or 57-3-203(d) from also holding a permit issued pursuant to § 57-3-701, *et seq.* Nothing herein shall authorize an employee holding a permit pursuant to § 57-3-203(d) to be employed by any retailer licensed under § 57-3-204 or § 57-4-101 except for the sole purpose of participating in a tasting under this subsection.

(6) No person aged less than twenty-one (21) years may participate in such tasting event on the licensed premises.

(7) No sampling authorized under this subsection may extend beyond one (1) calendar day.

(8) Manufacturer and non-resident permit holders licensed under §§ 57-2-101, *et seq.*, 57-3-202, or 57-3-601, *et seq.*, may provide products to be offered for sampling or tasting only through its designated wholesaler, licensed pursuant to § 57-3-203.

(9) Employees of a manufacturer, distiller, winery or non-resident sellers permit holder may participate in a sampling or tasting under this section only if an employee or designated representative of the wholesaler authorized to distribute the product or products being distributed is also present.

(b) Subsection (a) shall have no application to a winery acting pursuant to the “Grape and Wine Law”, codified as § 57-3-207.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring